

REMARKS / ARGUMENTS

Status of the Claims

Claims 2, 3, 6, 19 - 23 are pending in this matter. Claims 19 – 23, previously withdrawn from consideration in response to the Examiner's restriction set forth in the Office Action of June 23, 2005, are cancelled herein in order to place the application in condition for allowance.

Claim Rejections - 35 USC §102 (e)

On page 2 of the Office Action, at numbered paragraph 3, the Examiner rejects claims 2-3 and 6 under 35 USC §102 (e) as anticipated by, or in the alternative under 35 USC §103(a) as obvious over *Lah* USP 6, 660, 131. At the end of paragraph 2 of the Office Action the Examiner states that a new search was conducted and that this rejection is based on new ground. With respect, Applicants note that a rejection on the basis of §102(e) or, in the alternative, on §103(a) on the basis of *Lah* was raised by Examiner Doroshenk in her Office Action of June 23, 2005, which rejection Applicants successfully obviated in their response of November 23, 2005. In this regard, Examiner Doroshenk noted in her office action of March 17, 2006 that "[a]pplicant's amendments to the claims overcome the rejections based on the *Lah* reference" and further indicated that claims 2, 3, 8 and 9 contain allowable subject matter and would be allowable if rewritten in independent form including all limitations of the base claims. Applicant responded accordingly (November 23, 2005) amending claims 2, 3, 6, 8 and 9 and requesting allowance thereof. Thereafter, Examiner Doroshenk twice rejected the claims on different grounds (Utterback and Gibson) which rejections have now been fully obviated in the most recent Office Action by Examiner Bhat.


As provided in the MPEP at 706.04, "[f]ull faith and credit should be given to the search and action of the previous Examiner unless there is a clear error in the

previous action or knowledge of other prior art. In general, an Examiner should not take an entirely new approach or attempt to reorient the point of view of the previous Examiner, or make a new search in the mere hope of finding something." In the instant case a new search revealed nothing new in terms of prior art and no clear errors in the previous actions of Examiner Doroshenk. Accordingly, it is incumbent upon the Examiner to allow claims 2, 3 and 6 on the basis of previous actions taken by Examiner Doroshenk.

CONCLUSION

Claims 2, 3 and 6 as presented herein are now in condition for allowance and Applicants respectfully request withdrawal of all rejections and objections and timely allowance of such claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. R. Ellinwood", written over a horizontal line.

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